

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

GARY WINSTEAD,

Debtor.

MID SOUTH BUILDING SUPPLY, INC.,

Plaintiff,

vs.

GRANT WINSTEAD,

Defendant.

Case No. 05-13789-RGM
(Chapter 7)

Adv. Proc. No. 06-1179

MEMORANDUM OPINION

THIS CASE was before the court for trial on May 3, 2007, on the complaint of Mid South Building Supply, Inc. The court explained on the record that Mid South Building Supply's claim against Grant Winstead is both pre-petition and post-petition. The post-petition portion is not discharged by the filing of the petition in this case because it was incurred after the filing. The only debts discharged in a chapter 7 case are those that originate prior to the filing of the petition. *See* 11 U.S.C. §502(b). The court also explained that the elements of non-dischargeability as to the pre-petition debt had been established by Mid South Building, but was concerned that a recent opinion by the United States Court of Appeals for the Fourth Circuit, *In re Roundtree*, 478 F.3d. 215 (4th Cir., 2007), might affect the outcome of the case. The court reviewed *Roundtree* and the plaintiff's post-trial brief. The defendant did not file a post-trial brief. Upon the court's review of the opinion, it finds that the opinion does not affect the outcome of this case and that the entire debt is therefore

non-dischargeable.

Alexandria, Virginia
June 14, 2007

/s/ Robert G. Mayer
Robert G. Mayer
United States Bankruptcy Judge

Copy electronically to:

Richard G. Hall

Copy mailed to:

Grant Winstead
21024 Mossy Glen Terrace
Ashburn, Virginia 20147

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